



# City of Escondido Zoning Administrator

## MEETING AGENDA

201 North Broadway  
City Hall – Council Chambers  
**Video Conference**  
**January 12, 2021**  
**6:00 p.m.**

Pursuant to Governor Newsom’s Executive Orders, including N-25-20 and N-29-20: Certain Brown Act requirements for the holding of a public meeting have been temporarily suspended and members of the Zoning Administrator and staff will participate in this meeting via teleconference. In the interest of reducing the spread of COVID-19, members of the public are encouraged to submit their agenda and non-agenda comments online at the following link <https://www.escondido.org/public-comment-form.aspx>. Council Chambers will be closed, no public allowed.

Public Comment: To submit comments in writing, please do so at the following link: <https://www.escondido.org/public-comment-form.aspx>. If you would like to have the comment read out loud at the meeting (not to exceed three minutes), please write “Read Out Loud” in the subject line. All comments received from the public will be made a part of the record of the meeting. The meeting will be available for viewing via public television on Cox Communications Channel 19 (Escondido only). The meeting will also be live streamed online beginning at 6:00 p.m. at the following link: <https://www.escondido.org/> and click on the graphic showing “**Live stream – meeting in progress.**”

To watch the archived Zoning Administrator meeting(s) please visit:  
<https://escondido.12milesout.com/presentations/boards-and-commissions-and-state-of-the-city-videos>

A. Call to Order:

B. Agenda items:

1. **VARIANCE – PHG 20-0037:**

A Variance to allow a 6-foot steel fence at the front property line for security purposes, and to allow a 40-square-foot sign to be mounted on this fence (collectively, the “Project”). The fence would include masonry pilasters up to 6 feet, 4 inches in height, a sliding gate across the driveway to provide vehicle access into the parking lot, and two pedestrian gates for foot traffic.

Location: 1299 Scenic Drive (also addressed as 1840 Del Dios Road; APN 235-190-0500)

Applicant: Self-Realization Fellowship  
Planner: Ann Dolmage

C. Adjournment:

## **ZONING ADMINISTRATOR**

- CASE NUMBER:** PHG 20-0037
- APPLICANT:** Brian Regan, Shamrock Environmental Design & Development
- PROJECT LOCATION:** The Self-Realization Fellowship campus at 1299 Scenic Drive (also addressed as 1840 Del Dios Road; APN #235-190-05)
- REQUEST:** A Variance to allow a 6-foot steel fence at the front property line for security purposes, and to allow a 40-square-foot sign to be mounted on this fence (collectively, the “Project”). The fence would include masonry pilasters up to 6 feet, 4 inches in height, a sliding gate across the driveway to provide vehicle access into the parking lot, and two pedestrian gates for foot traffic.
- STAFF RECOMMENDATION:** Conditional approval of the fence request; and denial of the sign request.
- GENERAL PLAN DESIGNATION:** Estate II (E2)
- ZONING:** Estate Residential, minimum 20,000-square-foot lot size (RE-20)

### **BACKGROUND/PROJECT DESCRIPTION:**

The Self-Realization Fellowship campus is located on a 2.55-acre site on the south side of Scenic Drive, just east of its intersection with Del Dios Road. The facility was established in 2002 under a Conditional Use Permit (CUP; Case File No. 2002-17-CUP), and currently contains approximately 6,974 square feet of building space, including a multipurpose building, bookstore, three caretaker units, a storage shed, and a parking lot containing at least 51 paved spaces and 35 overflow spaces.

On February 13, 2018, the Fellowship obtained Planning Commission approval of a Modification to the CUP (Case File No. PHG 16-0020) for a phased, multi-year redevelopment of the campus. Elements of the proposal included construction of a new sanctuary and meditation building (with adjoining entry/gathering court and dining/exercise patio); removal of two of the caretaker units; addition of a Sunday school; replacement of the multipurpose building with a new multipurpose

building (including adjoining performance/display stage); expansion of the bookstore; and expansion of the parking lot to 99 spaces. The Modification was conditioned to allow the approval to remain active and valid as long as the first phase commenced within 3 years of the Planning Commission approval date, or prior to February 13, 2021. Per City Council Ordinance 2020-12, which was adopted on May 20, 2020, and provides an automatic 1-year extension to unexpired Planning permits as part of a temporary business relief strategy related to the COVID-19 pandemic, the approval for PHG 16-0020 has been extended to February 13, 2022. To date, no grading, landscape, or building permit application submittals have been received by staff in relation to PHG 16-0020.

The applicant is now proposing to install a steel security fence along the Fellowship's front property line. The fence itself would be 6 feet in height, with masonry pilasters approximately 6 feet 4 inches in height, spaced 16.5 feet apart. Lighting would be mounted on the fence, a sliding gate would provide vehicular access into the parking lot, and two pedestrian gates would also be included.

On properties zoned for single-family residences, fencing within a required front setback area is not allowed to exceed a height of 3.5 feet if constructed of a material that is at least 50% open. The property is zoned Estate Residential (RE-20), which requires a minimum front setback of 25 feet. A 3.5-foot fence within the front setback area would not provide the security desired by the applicant; however, locating the fence outside of the front setback area would cause it to encroach into the existing parking lot, and potentially impede traffic flow. Therefore, a Variance is requested to allow this fence in the design and location proposed by the applicant.

The applicant is also proposing to install an illuminated sign on the security fence, for identification purposes. The sign would be 4 feet by 10 feet in size, comprising an area of 40 square feet. Non-residential uses in residential zones are allowed two signs in most cases: one wall sign up to 20 square feet in area, and one monument sign up to 24 square feet in area. The proposed sign would exceed the maximum size for wall signs at this site. Therefore, the Project includes a request for a Variance for this sign.

#### **REASON FOR STAFF RECOMMENDATION:**

1. Staff recommends approval of a Variance to allow a 6-foot fence within the front setback area of the Project site. The fence will provide security for a religious facility that is conditionally permitted, and that is currently experiencing trespassing, vandalism, and other criminal activity, per the applicant's own report. The Project site is large and wooded, and is located in a quiet, low-traffic residential neighborhood, yet is close to major routes of travel. These factors minimize the number of community "eyes" on the property on an average day, while simultaneously making it easier for those with intent to cause harm to access the site. Installation of the fence would not cause harm to public health, safety, or welfare, or adversely affect the City of Escondido General Plan. A full explanation of the justification for supporting this Variance is included in the Findings of Fact, attached to this staff report as Attachment 3.

2. Staff does not recommend approval of a Variance to allow a 40-square-foot sign to be installed on the proposed security fence. The proposal is to vary from the provision found in Section 33-1396(f) of the Escondido Zoning Code, which limits the number, size, and height of freestanding and wall signs for non-residential uses in residential zones. With respect to the size and location of the proposed wall sign, staff finds that the applicant has failed to provide sufficient evidence that the site is subject to special conditions that are not applicable to other lands, buildings, or structures within the same zoning district. Staff also finds that the applicant has not provided substantial evidence that the strict interpretation of the sign code, limiting the signage on site to one 20-square-foot sign, would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district. The applicant has not provided sufficient evidence as to why other methods of sign placement of a 20-square-foot sign could still allow the reasonable use of land for this site. For that reason, granting a sign variance for the size and placement of the sign based on the applicant's chosen fencing design would constitute granting a special privilege to the applicant. Different sign sizes and locations are available to the applicant that would result in a standard size church sign allowed for all non-residential uses in residential zones.

Respectfully submitted,

*Ann Dolmage*

Ann Dolmage  
Associate Planner

**ATTACHMENTS:**

1. Legal Description
2. Project Exhibits
3. Findings of Facts
4. Conditions of Approval

**ATTACHMENT 1**

**LEGAL DESCRIPTION  
Self-Realization Fellowship Variance  
PHG 20-0037**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

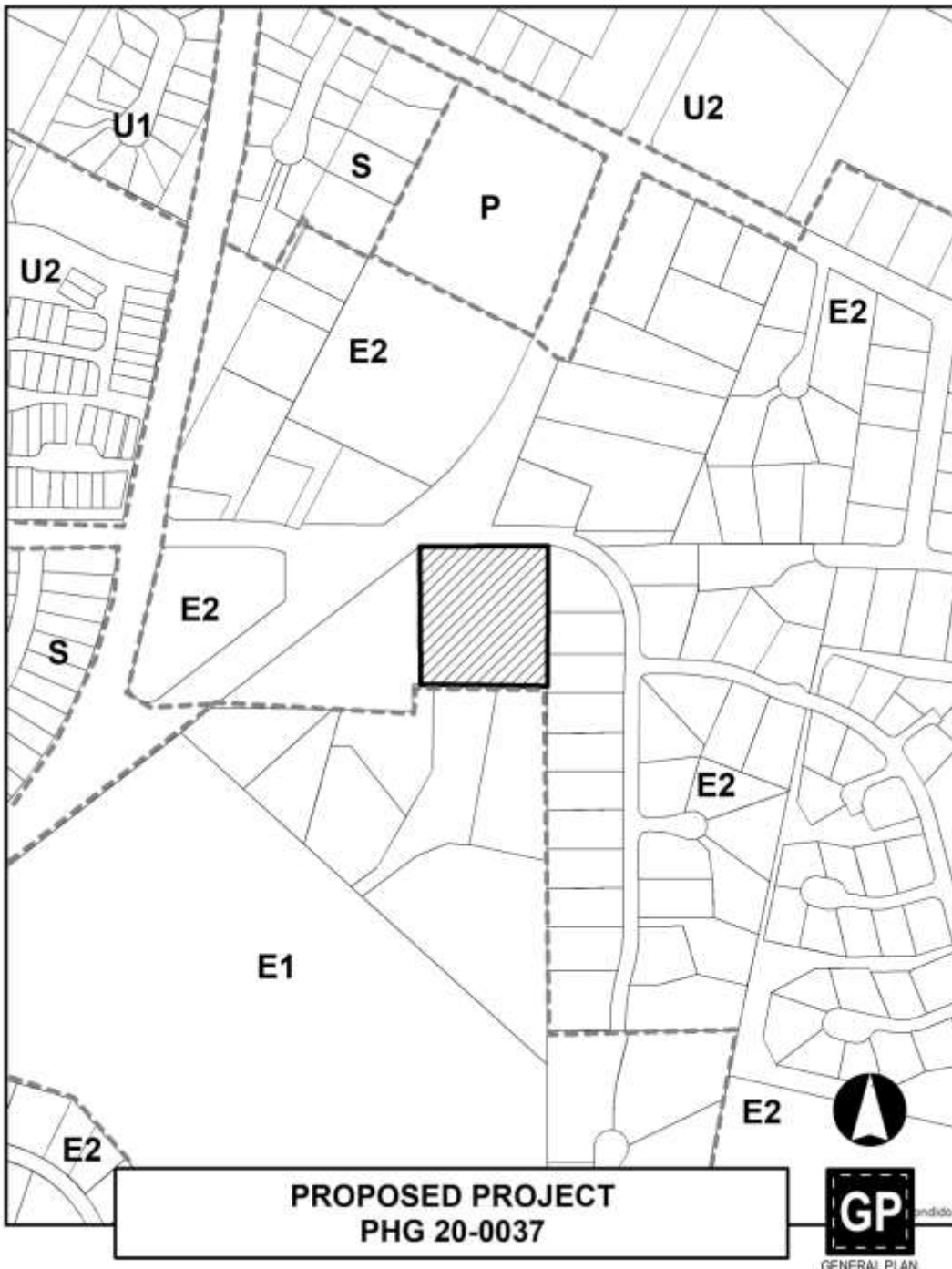
THAT PORTION OF LOT 5 IN SECTION 29, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF DESCRIBED AS FOLLOWS:

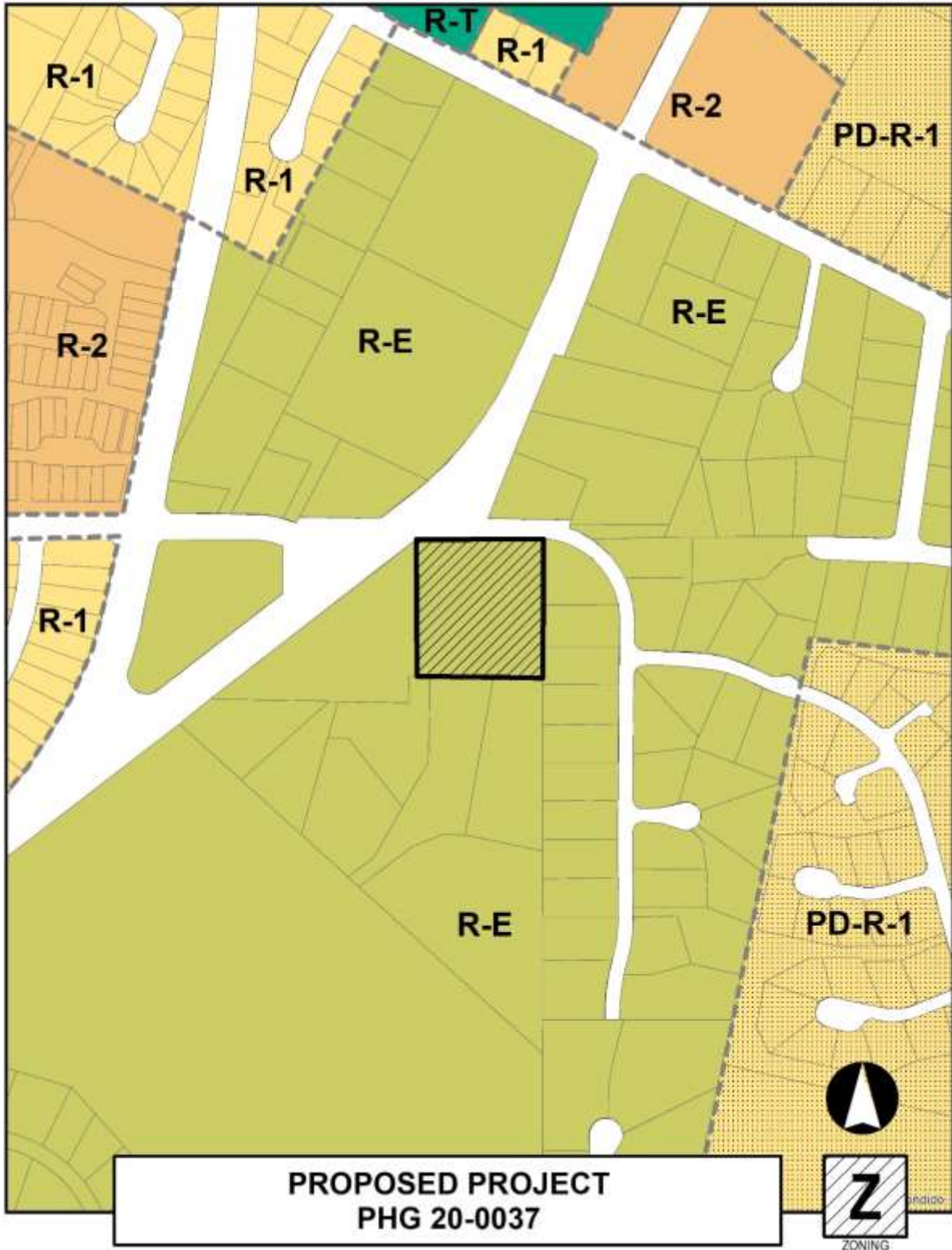
COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 5 OF SAID SECTION 29; THENCE SOUTH 89°26' WEST ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 327.60 FEET; THENCE SOUTH 0°06' EAST 340.00 FEET; THENCE NORTH 89°26' EAST 329.37 FEET TO A POINT ON THE EAST LINE OF SAID LOT 5; THENCE NORTH 0°24' WEST ALONG SAID EAST LINE OF SAID LOT 5, A DISTANCE OF 340.00 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

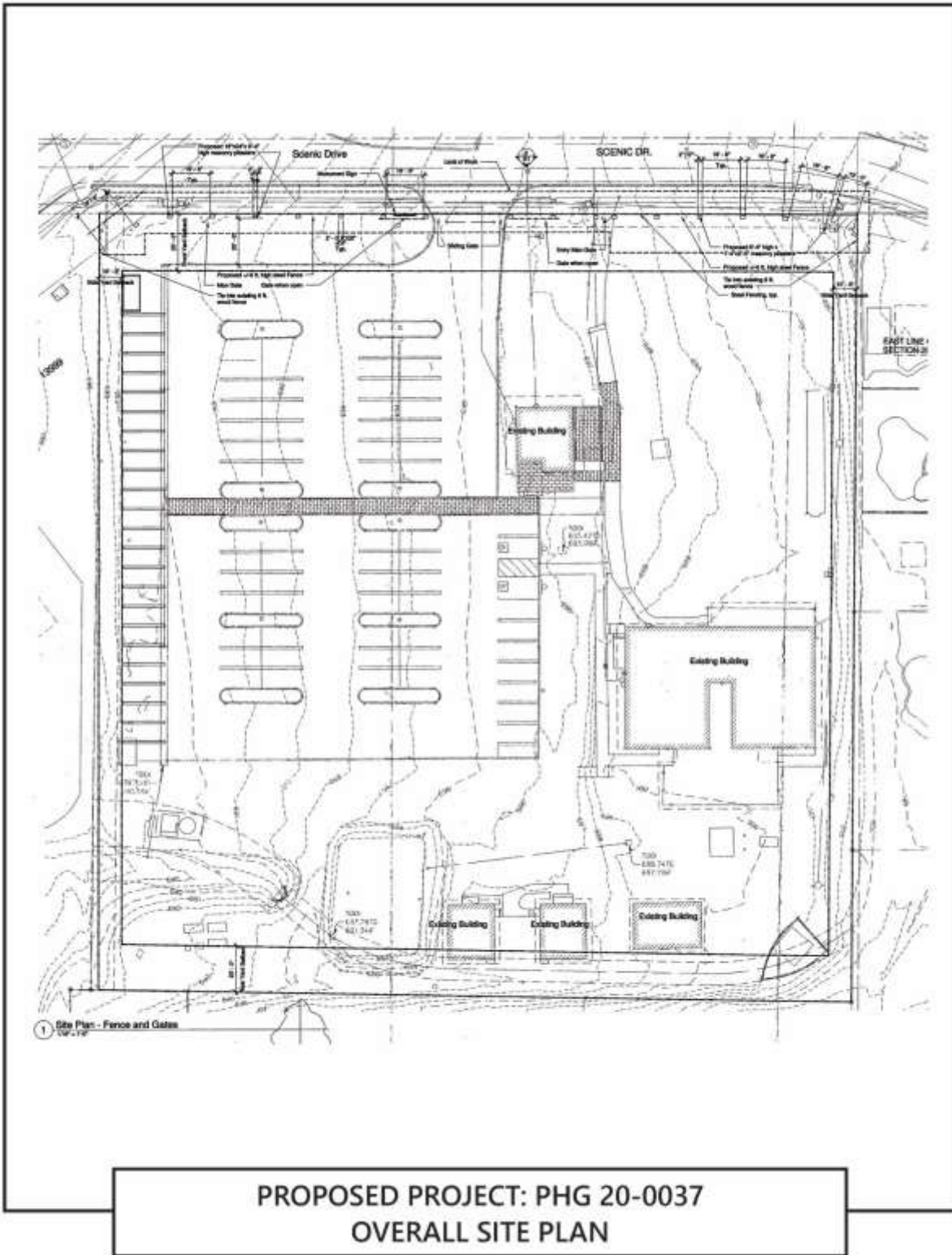
APN: 235-190-05

**ATTACHMENT 2**

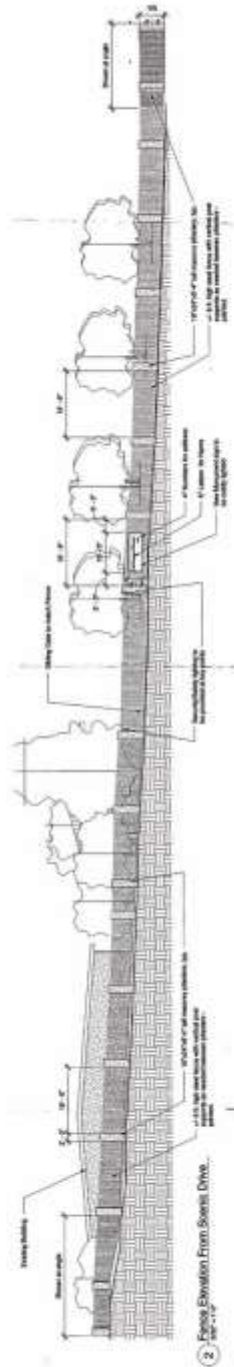
**PROJECT EXHIBITS**  
**Self-Realization Fellowship Variance**  
**PHG 20-0037**



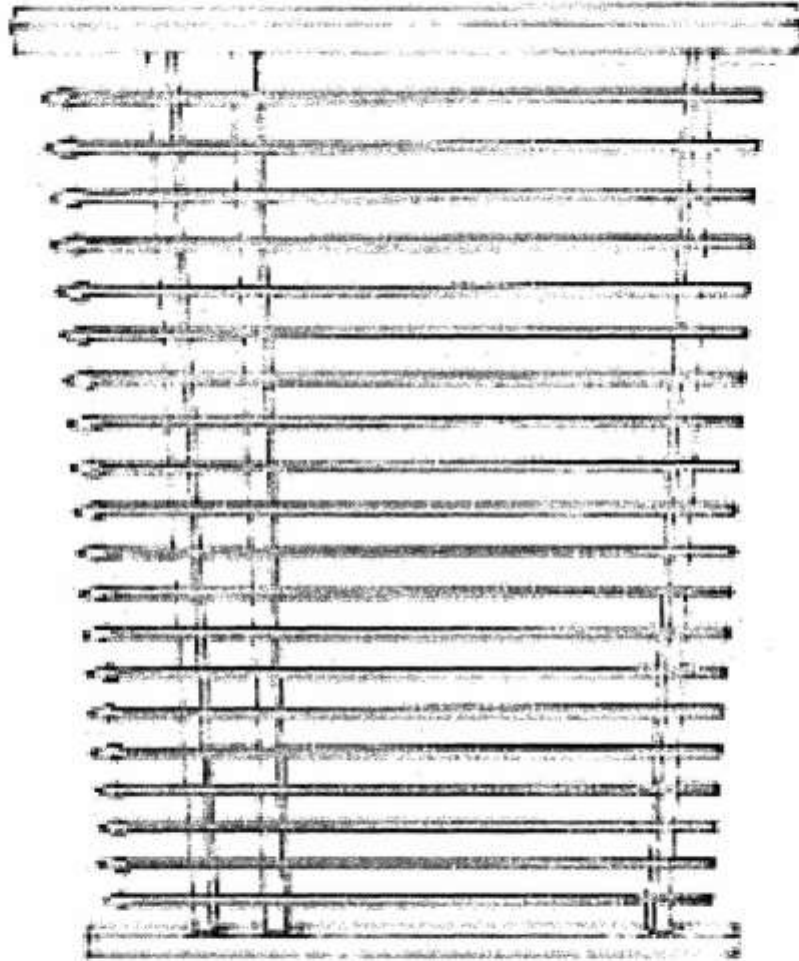








**PROPOSED PROJECT: PHG 20-0037  
FENCE ELEVATION**



Fence Detail Elevation

PROPOSED PROJECT: PHG 20-0037  
FENCE DETAIL ELEVATION

## ATTACHMENT 3

### FINDINGS OF FACT Self-Realization Fellowship Variance PHG 20-0037

#### **Environmental Determination:**

1. The proposed project is categorically exempt from environmental review, as separate and independent bases, pursuant to CEQA Guidelines section 15305, "Minor Alterations in Land Use Limitations" (specifically subsection (a), which covers set back variances not resulting in the creation of any new parcel); CEQA Guidelines section 15303, "New Construction or Conversion of Small Structures" (specifically subsection (e), which covers accessory or appurtenant structures such as fences); and CEQA Guidelines section 15311, "Accessory Structures" (specifically subsection (a), which covers on-premise signs).

#### **Variance Request - Fencing:**

All decisions granting or denying Variances shall be made in accordance with Section 33-1224 of the Escondido Zoning Code (Findings for Variances). The proposed Project has been reviewed by the Zoning Administrator, who concludes and finds, based on the analysis of the project described in the January 12, 2021, Zoning Administrator staff report, that:

- a. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity. The Project site is in the RE-20 zone, which requires a minimum lot size of 20,000 square feet, or 0.46 acres. Most properties in the vicinity are developed with residential uses and range from roughly 0.5 acres to 1.5 acres; however, the Project site is 2.55 acres. The site is located on a dead-end street with low traffic volume, and the applicant considers it to be an ideal location for a meditation center due to its large size and seclusion. However, the applicant is also concerned that the secluded location and proximity to high-traffic "getaway" thoroughfares (West Valley Parkway and Interstate 15) makes the facility a target for crime, and reports that the campus has already experienced vandalism, theft, and trespassing. Per the applicant, the Self-Realization Fellowship "explores the common spiritual basis between Christian and Eastern religions," and considers itself especially vulnerable to attack from those who do not agree with this philosophy. Finally, as a place of assembly, the campus is required to provide more parking than would be required for a single-family residence. Placing the security fence outside of the front setback area would cause it to encroach into the existing parking lot.
- b. The granting of such variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such zone or vicinity in which the property is located. The Variance request would allow a 6-foot fence in the front yard setback of the Self-Realization

Fellowship. The fence would not encroach upon, or block access to, any neighboring properties. The proposed fencing materials (metal with masonry pilasters) are consistent with fencing installed at other institutional uses. The Variance has been reviewed by various City departments, including Building, Engineering, Utilities, and Fire. Utilities requested information on the location of fire hydrants and water meters in relation to the proposed fence, and the Project has been conditioned to require this information prior to building permit issuance. No issues with sight distance at the facility's driveway were identified by Engineering.

- c. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone or vicinity. The Self-Realization Fellowship is a religious facility that operates under an approved Conditional Use Permit, and has security concerns not necessarily shared by all institutional uses. If approved, the Variance would allow the site to be secured with a 6-foot fence at the front property line. Without the Variance, the Fellowship will need to forego any fencing at the front of the site, limit the fence to 3.5 feet within the front setback area, or relocate the fence to the front setback line. The first two options would not provide an adequate deterrent against trespassing. The third option would require the parking lot to be reconfigured to avoid impediments to traffic flow, since the front setback line runs through a portion of the lot. While reconfiguration of the parking lot may be possible under existing site conditions, the Modification to a Conditional Use Permit (PHG 16-0020) that was approved on February 13, 2018, requires a significant expansion of the lot to accommodate a phased plan of new development, gatherings, and special events. Reconfiguration of that expanded lot may not be possible without losing required parking spaces. Therefore, requiring the Fellowship to place the security fence at the front property line could detrimentally impact a site plan that has already been approved for the site (but not yet implemented).
- d. The granting of such variance will not adversely affect the comprehensive general plan. Certain non-residential uses, including churches, are allowed in residential zones per Residential Development Policies 3.1 and 3.2 of the City of Escondido General Plan. Police Services Policy 3.7 promotes the use of security features in development projects to enhance property safety and reduce crime. Approval of the request would not conflict with any other aspect of the City of Escondido Zoning Code.

**Variance Request - Signage:**

All decisions granting or denying Variances shall be made in accordance with Section 33-1224 of the Escondido Zoning Code (Findings for Variances). The proposed Project has been reviewed by the Zoning Administrator, who concludes and finds, based on the analysis of the project described in the January 12, 2021, Zoning Administrator staff report, that:

- a. There are no exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity. Non-residential uses in residential zones are allowed one wall

sign, limited to an area of 20 square feet. The applicant wishes to install a 40-square-foot sign on the proposed 6-foot security fence that is also included in this Variance request. The Variance application does not demonstrate that there are conditions or circumstances unique to this site that require the sign to be this size to effectively identify the land use, especially since the sign would be located at the front property line, and therefore would be highly visible from the street. The applicant retains the option to install a sign that conforms to the size limits defined by the Sign Ordinance, with administrative approval of a sign permit application.

- b. Such variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone or vicinity. As a non-residential use on a residentially-zoned property, the Fellowship is allowed a wall sign up to 20 square feet in area, and the proposed sign could be modified to conform to this limit without sacrificing readability. The Fellowship also has the option of installing a separate monument sign, in a conspicuous location for business identification or wayfinding purposes. If necessary, a “bump-out” could be created in the fence so that it circumvents the monument sign instead of blocking it from view. These design changes have been suggested to the applicant as alternatives to the Variance.

## ATTACHMENT 4

### CONDITIONS OF APPROVAL Self-Realization Fellowship Variance PHG 20-0037

This Project is conditionally approved as set forth on the application received by the City of Escondido on **June 30, 2020**, and the Project drawings consisting of a Site Plan and Fence Details; all designated as approved on **January 12, 2021**, and shall not be altered without express authorization by the Community Development Department. All conditions of approval previously imposed on the property by Planning Commission Resolution Nos. 5418 and 6113 shall remain effective unless expressly modified herein.

For the purpose of these conditions, the term "Applicant" shall also include the Project proponent, owner, permittee, or its successor(s) in interest, as may be applicable.

#### A. General:

1. **Acceptance of Permit.** Should the Applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
  - a. Acceptance of the Permit by the Applicant; and
  - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Permit Expiration.** The Permit shall automatically expire after one (1) year from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.

3. **Certification.** The Director of Community Development, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and

modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Three (3) copies of final Approved Plan set, shall be submitted to the Planning Division for certification. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

**4. Conformance to Approved Plans.**

- a. The operation and/or use of the subject property shall be consistent with the Project Description and Details of Request, designated with the Approved Plan set.
- b. Nothing in this Permit shall authorize the Applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c. Once a permit has been issued, the Applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Community Development to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

**5. Limitations on Use.** Prior to any use of the Project site pursuant to this Permit, all Conditions of Approval contained herein shall be completed or secured to the satisfaction of the Community Development Department.

**6. Certificate of Occupancy.**

- a. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required, and any such change in occupancy must comply with all other applicable local and state laws.

**7. Availability of Permit Conditions.**

- a. Prior to building permit issuance, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Community Development.

- b. The Applicant shall make a copy of the terms and conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall be printed on any construction plans that are submitted to the Building Division for plan check processing.
8. **Right to Entry.** The holder of this Permit shall make the premises available for inspection by City staff during construction or operating hours and allow the investigations of property necessary to ensure that minimum codes, regulations, local ordinances and safety requirements are properly followed. The Applicant shall provide such business records, licenses, and other materials necessary upon request to provide evidence of compliance with the conditions of approval, as well as federal, state, or laws.
9. **Compliance with Federal, State, and Local Laws.** Nothing in this Permit shall relieve the Applicant from complying with conditions, performance standards, and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. (Permits from other agencies may be required as specified in the Permit's Details of Request.) This Permit does not relieve the Applicant of the obligation to comply with all applicable statutes, regulations, and procedures in effect at the time that any engineering permits or building permits are issued unless specifically waived herein.

No part of this Permit's approval shall be construed to permit a violation of any part of the Escondido Municipal or Zoning Code. During Project construction and after Project completion, the Applicant shall ensure the subject land use activities covered by this Permit is conducted in full compliance with all local and state laws.
10. **Fees.** The appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Community Development. Through plan check processing, the Applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, Fire Mitigation/Cost Recovery Fees, and other fees listed in the Fee Schedule, which may be amended. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Community Development Department.
11. **Public Partnership Program.** All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.



**12. CEQA - Clerk Recording.**

- a. **Exemption.** The City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the Project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.
- b. For more information on filing fees, please refer to the County Clerk's Office and/or the California Code of Regulations, Title 14, Section 753.5.

**13. Legal Description Adequacy.** The legal description attached to the application has been provided by the Applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.

**14. Application Accuracy.** The information contained in the application and all attached materials are assumed to be correct, true, and complete. The City of Escondido is relying on the accuracy of this information and Project-related representations in order to process this application. Any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. The Applicant may be liable for any costs associated with rescission of such permits.

**15. Revocation, Suspension, Modification.** At any time after Project implementation, the City may require a noticed public hearing to be scheduled before the Planning Commission to determine if there has been demonstrated a good faith intent to proceed in reliance on this approval. This item may be referred to the appropriate decision-making body upon recommendation of the Director of Community Development for review and possible revocation or modification of the Permit regarding non-compliance with the Conditions of Approval.

This Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing, and after the following findings are fully investigated:

- a. A violation of any term or condition not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance, state law, or federal law not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates or constitutes a nuisance.

16. **Indemnification.** The Applicant shall hold harmless the City, its Council Members, its Commission and Boards, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of any approval or denial of the application and from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of Applicant, or their respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the property the same may occur; (ii) any use of the property, or any accident, injury, death or damage to any person or property occurring in, or on or about the property, or any part thereof, or from the conduct of the Applicant or owner's business or from any activity, work or thing done, permitted or suffered by Applicant or owner or its sublessees, contractors, employees, or invitees, in or about the property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of Applicant's or owner's part to be performed under the terms of this Agreement, or arising from any negligence of Applicant or owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, Applicant or owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City. Applicant further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by City in such action(s), including reasonable attorney's fees.

**B. Construction, Maintenance, and Operation Obligations:**

1. **Code Requirements.** All construction shall comply with the applicable requirements of the Escondido Municipal Code, Escondido Zoning Code, California Building Code; and the requirements of the Planning Division, Engineering Services Department, Director of Community Development, Building Official, City Engineer, and the Fire Chief in carrying out the administration of said codes. Approval of this Permit request shall not waive

compliance with any City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

As a condition of receiving the land use approvals specified herein, Applicant shall maintain the property subject to the approvals in compliance with all applicable city codes governing the condition or appearance of property. In addition to compliance with such basic standards, the property subject to these approvals shall also be maintained free of trash, plant debris, weeds, and concrete (other than existing foundations and permanent structures). Any signs placed on the property advertising such property for sale or rent shall be in accordance with applicable laws, and be kept clean, in like-new condition, and free from fading and graffiti at all times. This condition shall be applicable from the date the land use is approved. The failure to comply with this condition shall subject the approvals specified herein to revocation for failure to comply.

2. **Agency License and Permitting.** At all times during the effective period of this Permit, the Applicant and any affiliated responsible party shall obtain and maintain in valid force and effect, each and every license and permit required by a governmental agency for the construction, maintenance, and operation of the authorized activity.
3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit, with any sign permit application, a graphic or list of all signs to be removed and retained, along with any new signage proposed.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.

8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
11. **Trash Enclosures.** Appropriate trash enclosure(s) or other approved trash system shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
12. **Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
13. **Temporary Trailers.** Temporary trailers may be installed on the project site to house employees displaced by project construction. Temporary trailers require a permit from the Building Division. An improvement agreement shall be recorded and a bond shall be posted with the Community Development Department prior to final occupancy of the trailers, to ensure their timely removal after construction is complete.
14. **Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.

**C. Parking and Loading/Unloading:**

1. A minimum of 86 parking spaces (51 paved and 35 overflow) shall be provided at all times as required by 2002-17-CUP. Upon implementation of PHG 16-0020, 99 paved parking spaces shall be provided at all times. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The

striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.

2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

**D. Landscaping:** The property owner or management company assumes all responsibility for maintaining all on-site landscaping; any landscaping in the public right-of-way adjacent to the property, including potted plants; and any retaining and freestanding walls in a manner that satisfies the conditions contained herein.

1. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
2. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
3. If at the time of planning final inspection that it is determined that sufficient screening is not provided, the Applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
4. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
5. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.
6. **Landscaping Plans.** Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
  - a. A final landscape and irrigation plan shall be submitted to the Planning Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five (5) copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in

effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.

- b. Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.
- c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
- d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Community Development.
- e. New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast growing shrubbery that will screen the enclosures wall surface. The Director of Community Development shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.

**E. Additional Planning Comments:**

1. The Modification to a Conditional Use Permit approved on February 13, 2018, under Case No. PHG 16-0020, shall remain in effect until February 13, 2022, unless further extensions are granted. Installation of the fence authorized by this Variance does not constitute commencement of the first phase of PHG 16-0020.

2. The location of existing fire hydrants and water meters shall be called out on the building permit submittal. Any conflicts between the fencing and hydrants/utilities shall be resolved to the satisfaction of Planning, Fire, and Utilities, which may include routing the proposed fencing around these fixtures to maintain appropriate access and/or setbacks, or relocating them.